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The President

EXECUTIVE ORDER

PERMITTING CERTAIN POSITIONS IN THE FARM SECURITY ADMINISTRATION TO BE FILLED BY PROMOTION, TRANSFER, OR ASSIGNMENT OF CERTAIN EMPLOYEES, AND AUTHORIZING SUCH EMPLOYEES TO ACQUIRE A CLASSIFIED STATUS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

SECTION 1. The incumbent of any position (other than a temporary position) in the Farm Security Administration of the Department of Agriculture who held a permanent, indefinite, or emergency appointment on June 30, 1941, and who is still so employed, may be promoted, transferred, or assigned to any position in the Farm Security Administration which, on and after July 1, 1941, is required to be filled in accordance with the Civil Service Rules.

SECTION 2. Any employee of the Farm Security Administration who, subsequent to June 30, 1941, is promoted, transferred, or assigned under section 1 of this order may acquire a competitive classified civil-service status in accordance with the provisions of the act of November 26, 1940, 54 Stat. 1211, extending the classified civil service.

This order shall be effective as of July 1, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

November 13, 1941.

[No. 8939]

[F. R. Doc. 41-8522; Filed, November 14, 1941; 9:30 a. m.]

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

The following section is to be added to the regulations issued on June 27, 1941; 6 F.R. 3577; Aug. 6, 1941; 6 F.R. 4091; Aug. 20, 1941; 6 F.R. 4181;

§ 17.6 *Approval required for transfers of attorneys.* A person holding an attorney position may not be transferred to another such position in a different agency without the consent of the agency in which he is employed or, if the agency refuses to consent, the approval of the Board of Legal Examiners. (E.O. 8743, 6 F.R. 2117; 54 Stat. 1211)

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

NOVEMBER 7, 1941.

[F. R. Doc. 41-8552; Filed, November 14, 1941; 12:09 p. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 517]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS MODIFYING THE RESTRICTIONS OF THE DUTCH ELM DISEASE QUARANTINE BY AUTHORIZING THE RESHIPMENT FROM POINTS WITHIN THE REGULATED AREA OF ELM PLANTS RECEIVED FROM NONREGULATED AREA AND RESHIPPED DURING THE DORMANT PERIOD OF THE INSECT VECTORS OF THE DISEASE

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine

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mology and Plant Quarantine by the fourth proviso of § 301.71, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 71 on account of the Dutch elm disease], § 301.71-4 is hereby modified, effective November 10, 1941, by providing that elm plants originating in nonregulated area and received within the regulated area during the period from November 1 to March 31, inclusive, of any 12-month period may be reshipped interstate to nonregulated area during the period specified above when such plants have been handled under conditions of sanitation and segregation as prescribed by the inspector to prevent attack or infestation by insect vectors of the Dutch elm disease or accidental or natural infection by the fungus causing the disease. Such shipments of elm plants shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine showing compliance with these conditions. (7 CFR, § 301.71; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 8th day of November 1941.

[SEAL]

P. N. ANNAND,
Chief.

[F. R. Doc. 41-8548; Filed, November 14, 1941; 11:35 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Fourth Supplement to General Order No. C-28]

TYPE OF MONEY ORDER REQUIRED UNDER NATIONALITY REGULATIONS

NOVEMBER 12, 1941.

Pursuant to the authority conferred by section 327 of the Nationality Act of 1940 (54 Stat. 1151; 8 U.S.C. 727), section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Sections 324.4,¹ 362.2,² 365.1,³ 370.1,⁴ 378.1,⁵ 379.2,⁶ 380.1,⁷ 382.3,⁷ and 383.4⁸ are amended so that in each of those sections where the words "money order" appear, the said words shall be preceded by the words "United States postal."

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General; in charge of Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-8547; Filed, November 14, 1941; 11:34 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 5 to B.A.I. Order 309]^a

PART 75—DOURINE IN HORSES AND ASSES

ORDER AMENDING REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK

Pursuant to the authority conferred upon the Secretary of Agriculture by section 3 of the Act of Congress approved May 29, 1884 (23 Stat. 31; 21 U.S.C. 114), and the Act of Congress approved July 1, 1941 (Public Law, 144—77th Congress—1st Session), § 75.3, Part 75, Chapter I, Title 9, Code of Federal Regulations [Reg. 5, Sec. 3, B.A.I. Order 309], as amended, is hereby further amended to read as follows:

§ 75.3 *Appraisal of and compensation for animals.* When it is necessary, in order to prevent the spread of dourine and to aid in its extermination, and an

¹ 6 F.R. 233.

² 6 F.R. 240.

³ 6 F.R. 243.

⁴ 6 F.R. 244.

⁵ 6 F.R. 247.

⁶ 6 F.R. 248.

⁷ 6 F.R. 249.

⁸ 6 F.R. 250.

^a F. R. Doc. 41-8371, also designated as amendment 5 to B.A.I. Order 309, published in the FEDERAL REGISTER November 8, 1941 at page 5692, was incorrectly signed.

appropriation is available therefor, the department will cooperate with state and federal governmental agencies in the purchase of diseased animals in the following manner:

(a) The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Bureau.

(b) The animal shall be appraised at its actual value by a Bureau Inspector and a representative of the cooperating agency, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) The department will pay one-half of the appraised or assessed value, not to exceed \$100, if the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the department on account of the destruction of the animal in question: *Provided*, That if the eradication work is carried on in cooperation with a federal agency the department may pay all of the appraised value, not to exceed \$100.

This amendment, which for purpose of identification is designated Amendment 5 to B.A.I. Order 309, shall be effective on and after November 17, 1941. (23 Stat. 31, Public Law 144, 77th Cong., 1st Session; 21 U.S.C. 114)

Done at Washington this 13th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 41-8553; Filed, November 14, 1941;
11:35 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-30 General]

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

HABIT FORMING DRUGS, AMENDMENT OF REGULATIONS GOVERNING LABEL REQUIREMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [sec. 701 (a), 52 Stat., 1040; 21 U.S.C. 301], paragraphs (a) (1) and (d) of the General Regulations promulgated under section 502 (d) of the Act¹ are hereby amended to read as follows:

§ 2.104 *Habit-forming drugs; label requirements.* (a) (1) The name of a substance or derivative required to be borne on the label of a drug by section 502 (d) of the Act shall be the common or usual name of such substance or derivative, unless it is designated solely by a name recognized in an official com-

pendium and such designation complies with the provisions of section 502 (c):

(d) A drug shall not be considered to be misbranded by reason of failure of its label to bear the statement "Warning—May be habit forming"—

(1) if such drug is not suitable for internal use, and is distributed and sold exclusively for such external use as involves no possibility of habit formation; or

(2) if the only substance or derivative subject to section 502 (d) of the Act contained in such drug is chlorobutanol, which is present solely as a preservative and in a quantity not more than 0.5 percent by weight, and such drug is for parenteral use only; or

(3) if the only substance or derivative subject to section 502 (d) of the Act contained in such drug is chlorobutanol, which is present as an analgesic or as an analgesic and a preservative in a quantity not more than 3.0 percent, and such drug contains one or more other active ingredients and is for parenteral use only. (Sec. 701 (a), 52 Stat. 1040; 21 U.S.C., Sup., 301)

Dated: November 10, 1941.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 41-8542; Filed, November 14, 1941;
10:56 a. m.]

| Mine Index No. | Code member | Mine | Size group | | | | | | | |
|----------------|----------------|---|------------|------------|------------|------------|------------|------------|------------|------------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1882 | Stewart, J. S. | Saxton Coal Co.: Change— From..... To..... | 335 275 | 315 255 | 235 220 | 260 230 | 225 215 | 225 210 | ----- | ----- |
| 1826 | Denham, A. W. | Denham: Change— From..... To..... | 300 275 | 280 255 | 225 220 | 250 230 | ----- | 215 210 | 170 145 | 165 140 |
| 1880 | Smith, Isham | Isham: Change— From..... To..... | 300 275 | 280 255 | 225 220 | 250 230 | ----- | 215 210 | 170 145 | 165 140 |

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The Saxton Coal Company Mine of J. S. Stewart (Mine Index No. 1882), Denham Mine of A. W. Denham (Mine Index No. 1826), and Isham Mine of Isham Smith (Mine Index No. 1880) are located near Saxton in Whitley County, Kentucky. The truck coals of the Isham Mine and the Denham Mine are designated as being in the River Gem Seam, and of the Saxton Coal Company Mine as being in the Blue Gem Seam. About 100 tons of coal a day are mined at the Sax-

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-887]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF PETITION OF DISTRICT BOARD 8 FOR REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR TRUCK SHIPMENT BY J. S. STEWART (SAXTON COAL COMPANY), A. W. DENHAM, AND ISHAM SMITH, CODE MEMBER PRODUCERS IN DISTRICT 8

This is a matter instituted upon an original petition filed on May 26, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the effective minimum prices established for coals produced for shipment by truck at the Saxton Coal Company Mine (Mine Index No. 1882) of J. S. Stewart (Saxton Coal Company), at the Denham Mine (Mine Index No. 1826) of A. W. Denham, and at the Isham Mine (Mine Index No. 1880) of Isham Smith, all code member producers in District 8, as follows:

ton Coal Company Mine by the strip method, and from 1 to 10 tons a day at the Isham Mine by the drift method. Coals have been mined in the past at the Denham Mine by the strip method although at the time of the hearing this mine was not operating. All these coals compete chiefly with coals produced in the Jellico Seam and in the Blue Gem Seam.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that the coals of the three mines involved herein are comparable and are produced from the same seam. Hence, the witness stated, the coals of the Saxton Coal Company Mine should be designated as produced in the River Gem Seam and not in the Blue Gem Seam as presently designated in the truck schedule for District 8.¹ The witness Daniel further testified that in

¹ In Docket No. A-615, the seam designation of the rail coals of the Saxton Coal Company Mine was corrected by Order of the Director from "Blue Gem" to "River Gem".

the domestic sizes (Size Groups 1-6) these River Gem coals are of better quality than some Jellico Seam coals but not as good as other Jellico Seam coals. His testimony also indicates that in the industrial sizes (Size Groups 7 and 8) the River Gem Seam coals are of very poor quality. The record also shows that the River Gem Seam coals are inferior in quality to the Blue Gem Seam coals; they are slower burning and have a higher ash content. The witness stated that in view of the comparability of the River Gem Seam coals to each other and their poorer qualitative content than the better Jellico Seam coals and the Blue Gem Seam coals, revision of the effective minimum prices of the River Gem Seam coals is necessary to reflect their relative market value and to afford them

a reasonable opportunity to compete on a fair basis with such other coals.

Upon the basis of the uncontroverted testimony, I find and conclude that the revision of the effective minimum prices of the coals of Mine Index Nos. 1882, 1826 and 1880 for shipment by truck, and of the seam designation of the coals of Mine Index No. 1882 is necessary to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with all of the standards thereof.

Now, therefore, it is ordered, That § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it hereby is revised by establishing the following minimum prices for the mines indicated:

| Mine Index No. | Code member | Mine | Size groups | | | | | | | |
|----------------|----------------|-----------------|-------------|-----|-----|-----|-----|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1882 | Stewart, J. S. | Saxton Coal Co. | 275 | 255 | 220 | 230 | 215 | 210 | | |
| 1826 | Denham, A. W. | Denham | 275 | 255 | 220 | 230 | | 210 | 145 | 140 |
| 1880 | Smith, Isham | Isham | 275 | 255 | 220 | 230 | | 210 | 145 | 140 |

It is further ordered, That the seam designation of the coals produced at the Saxton Coal Company Mine (Mine Index No. 1882) be and it hereby is changed from "Blue Gem" to "River Gem" in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: November 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8537; Filed, November 14, 1941; 10:49 a. m.]

[Dockets Nos. A-209, A-220, A-292, A-294, A-311, A-395, A-457, A-458]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITIONS OF CERTAIN PRODUCERS IN WILLIAMSON AND SALINE COUNTIES, DISTRICT 10, FOR A REDUCTION OF MINIMUM PRICES

On September 9, 1941, 6 F.R. 4662, the Director issued his Findings of Fact, Conclusions of Law, and Opinion in the above-entitled proceedings, and issued an Order Granting Permanent Relief therein. On October 21, 1941, 6 F.R. 5428, the Director issued his Order Amending Order Granting Permanent Relief. The Order Granting Permanent Relief, as thus amended, provided for certain reductions, for shipments by truck, of the effective minimum prices applicable to all mines in section 10 of District 10 which are set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments. The Order, as amended, further provided that the effective minimum prices in all size groups for Mine Index No. 40 (Augustina Coloni) for truck shipments

be established the same as those for the above-mentioned mines in section 10 of District 10.

In section 10 of District 10 there are producers whose coals are priced for shipment both by rail and truck. The coals of other producers located in section 10 are priced for shipment by truck only. It appears from the Findings of Fact issued by the Director on September 9 that all the petitioners herein are in the latter class, operating exclusively as truck mines and being given only truck mine prices, with the exception of Coloni, whose mine has rail facilities and has heretofore been priced for both rail and truck shipments. Coloni testified at the hearing herein, however, that he had discontinued rail shipments. It further appears from the Findings of Fact of September 9 that the petitioners herein are representative truck shippers in section 10 of District 10, that the difficulties encountered by them are common to all the mines in that section shipping exclusively by truck, and that the relief granted to the petitioners should also be granted to all similar truck mine producers in section 10.

Some question has been raised as to whether a proper interpretation of the Order of September 9, as amended, restricts the application of the reduced prices to those truck mine producers in section 10 of District 10 which operate exclusively as truck mines. The Findings of Fact of September 9 are clear that the application of the reduced prices is thus restricted. To prevent any misinterpretation of the Order of September 9, as amended, I will further amend it to eliminate any ambiguity which may appear therein.

Now, therefore, it is ordered, That the next to the last paragraph of the Order

Granting Permanent Relief entered in this proceeding on September 9, 1941, as amended on October 21, 1941, be and it hereby is amended and revised to read as follows:

It is ordered, That commencing forthwith, the effective minimum prices in § 330.25 (General prices in cents per net ton for shipment into all market areas), applicable to all mines in Section 10 of District 10 which are priced only for truck shipment shall be and the same are hereby reduced for shipments by truck as follows: Size Group 8 from \$1.80 to \$1.60; Size Group 9 from \$1.75 to \$1.50; Size Groups 10, 11, and 12 from \$1.65 to \$1.50; Size Group 13 from \$1.40 to \$1.30; and Size Group 15 from \$.75 to \$.65 per ton f. o. b. the mine; that the effective minimum prices in all size groups for Mine Index 40 (Augustina Coloni) for truck shipments be and the same are hereby established the same as those for the above-mentioned mines in section 10 of District 10, as herein revised; and that the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments be and it hereby is revised accordingly.

Dated: November 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8536; Filed, November 14, 1941; 10:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS INCIDENT TO TRADE BETWEEN THE UNITED STATES AND ANY PART OF CHINA OTHER THAN MANCHURIA

General License No. 58, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 58¹ is amended to read as follows:

§ 131.58 General license No. 58. (a) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China other than Manchuria; provided, the following terms and conditions are complied with:

(1) Such transaction shall not involve property in which any one of the following has at any time on or since the effective date of the Order had any interest

¹ 6 F.R. 3723.

and shall not be by, or on behalf of, or pursuant to the direction of any one of the following:

(i) Any blocked country other than China, or

(ii) Any person within Manchuria, or

(iii) Any national of any blocked country other than China unless such national is within China;

(2) Exports from the United States to China having a value in excess of \$100 shall be effected only provided both of the following conditions are satisfied:

(i) Payment therefor has been or will be made through a domestic bank and such domestic bank has been notified by an appointed bank that the importer within China has paid or has completed arrangements to pay therefor with United States dollars acquired from such appointed bank, or in lieu of the foregoing, a domestic bank has been notified by an appointed bank that the shipment has been otherwise approved by the Stabilization Board of China; and

(ii) On each shipment the domestic bank referred to in (i) shall execute Form TFR-158² in quadruplicate. The original of such executed form shall be transmitted by the domestic bank directly to the collector of customs at the port of exportation and shall be received by such collector of customs prior to the exportation of the shipment. The duplicate of such executed form shall be delivered by the domestic bank to the exporter or his agent who shall present and, if requested, deliver such copy to the collector of customs at the port of exportation at the time the Shipper's Export Declaration is filed. The remaining two copies of such executed form shall be filed promptly by the domestic bank with the appropriate Federal Reserve Bank.

(3) Imports into the United States from China having a value in excess of \$100 shall be effected only provided both of the following conditions are satisfied:

(i) Payment therefor in United States dollars has been or will be made through a domestic bank and the exporter within China has sold or has completed arrangements for selling such United States dollars to an appointed bank, or in lieu of the foregoing, the shipment has been otherwise approved by the Stabilization Board of China; and

(ii) Prior to the release of any such shipment from customs custody the collector of customs of the port of entry through which the shipment is imported shall have received a consular invoice covering such shipment and such consular invoice shall bear the certification

² Filed as part of the original document.

of a United States consul in China that an appointed bank has duly notified the consul that the exporter within China has sold or has completed arrangements for selling the United States dollar proceeds from such shipment to such appointed bank or that the shipment has been otherwise approved by the Stabilization Board of China.

(4) The conditions prescribed in (2) and (3) shall not apply with respect to any import or export:

(i) If the shipment was in transit between the United States and China on November 12, 1941; or

(ii) If the consignee or consignor of the shipment is the United States Government or the Chinese National Government or a recognized agency or political instrumentality of either government; or

(iii) If payment for the shipment was fully effected prior to November 12, 1941, and the following reporting procedure is followed: On each such shipment a domestic bank participating in financing the shipment shall execute Form TFR-158A in quadruplicate. The original of such executed form shall be transmitted by such domestic bank directly to the collector of customs at the port of importation or exportation as the case may be and shall be received by such collector of customs prior to the release of such shipment from customs custody or prior to the exportation of such shipment as the case may be. The duplicate of such executed form shall be delivered by the domestic bank to the importer or exporter or their respective agents who shall present and, if requested, deliver such copy to the collector of customs at the time the shipment is released from customs custody or the Shipper's Export Declaration is filed, as the case may be. The remaining two copies of such executed form shall be filed promptly by the domestic bank with the appropriate Federal Reserve Bank.

(5) Any domestic bank prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that:

(i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and

(ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(b) As used in this general license:

(1) The term "appointed bank" shall mean any of those banks cooperating with the Stabilization Board of China and buying and selling foreign exchange with the permission of, and subject to the conditions prescribed by, such Board, the names of which appear on Schedule A of this general license at the time the transaction is effected.

(2) A person shall not be deemed to be "within China" unless such person was situated within and doing business within China on and since June 14, 1941.

Schedule A of General License No. 58

The offices within Hong Kong and any part of China except Manchuria of the following are hereby licensed as "appointed banks" within the meaning of General License No. 58:

- (a) The Chase Bank.
- (b) National City Bank of New York.
- (c) Underwriters Bank for the Far East.
- (d) American Express Company.
- (e) Moscow Narodny Bank, Ltd.
- (f) Thos. Cook & Son (Bankers) Ltd.
- (g) Hongkong & Shanghai Banking Corporation.
- (h) Mercantile Bank of India, Ltd.
- (i) David Sassoon & Co., Ltd.
- (j) E. D. Sassoon & Co., Ltd.
- (k) E. D. Sassoon Banking Co., Ltd.
- (l) Chartered Bank of India, Australia & China, Ltd.
- (m) Nederlandsch Indische Handelsbank.
- (n) Nederlandsche Handel Maatschappij.
- (o) Shanghai Commercial and Savings Bank, Ltd.
- (p) Bank of East Asia, Ltd.
- (q) National Commercial Bank, Ltd.
- (r) Chekiang Industrial Bank, Ltd.
- (s) Bank of Canton, Ltd.
- (t) Oversea-Chinese Banking Corporation, Ltd.
- (u) Kinchen Banking Corporation.
- (v) China Banking Corporation.
- (w) Bank of China.
- (x) Bank of Communications.
- (y) Farmers Bank of China.
- (z) Central Bank of China.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8516; Filed, November 13, 1941; 8:36 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

OFFICES OF CERTAIN NEW YORK BANKS AND CERTAIN OTHER INSTITUTIONS WITHIN CHINA

General License No. 59, as Amended Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 59¹ is amended to read as follows:

§ 131.59 *General license No. 59.* (a) A general license is hereby granted licensing as generally licensed nationals the offices within Hong Kong and any part of China except Manchuria of the following:

- (1) The Chase Bank.
- (2) National City Bank of New York.
- (3) Underwriters Bank for the Far East.
- (4) American Express Company.
- (5) Moscow Narodny Bank, Ltd.
- (6) Thos. Cook & Son (Bankers) Ltd.
- (7) Hongkong & Shanghai Banking Corporation.
- (8) Mercantile Bank of India, Ltd.
- (9) David Sassoon & Co., Ltd.
- (10) E. D. Sassoon & Co., Ltd.
- (11) E. D. Sassoon Banking Co., Ltd.
- (12) Chartered Bank of India, Australia & China, Ltd.
- (13) Nederlandsch Indische Handelsbank.
- (14) Nederlandsche Handel Maatschappij.
- (15) Shanghai Commercial and Savings Bank, Ltd.
- (16) Bank of East Asia, Ltd.
- (17) National Commercial Bank, Ltd.
- (18) Chekiang Industrial Bank, Ltd.
- (19) Bank of Canton, Ltd.
- (20) Oversea-Chinese Banking Corporation, Ltd.
- (21) Kincheng Banking Corporation.
- (22) China Banking Corporation.

(b) Any such office of any such bank is also authorized to engage in all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China, except Manchuria, provided all the terms and conditions of General License No. 58 are complied with.

(c) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banking institutions shall file promptly with the appropriate Federal Reserve Bank monthly reports setting

forth the details of such transactions during such period. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8517; Filed, November 13, 1941; 3:36 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

OFFICES OF CERTAIN CHINESE BANKS OUTSIDE THE UNITED STATES AND NOT WITHIN ANY BLOCKED COUNTRY OTHER THAN CHINA

General License No. 61, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 61¹ is amended to read as follows:

§ 131.61 *General license No. 61.* (a) A general license is hereby granted licensing the offices outside the United States and not within any blocked country other than China of the following Chinese banks as generally licensed nationals:

- (1) the Bank of China;
- (2) the Bank of Communications; and
- (3) the Farmers Bank of China.

Any transaction engaged in by any such office of any such bank pursuant to the order of or for the account of any person not within any blocked country is also hereby authorized to the same extent, and under the same circumstances, as though such transaction were solely for the account of such office of such bank: *Provided, however,* That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account.

(b) Any office within Hong Kong or any part of China, except Manchuria, of any such bank is also authorized to engage in all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China, except Manchuria, provided all the terms and conditions of General License No. 58 are complied with.

(c) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banks shall file promptly with the appro-

priate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8518; Filed, November 13, 1941; 3:36 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS INCIDENT TO TRADE BETWEEN THE PHILIPPINE ISLANDS AND CHINA AND BETWEEN THE PHILIPPINE ISLANDS AND JAPAN

Revocation of General License No. 64 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 64¹ is hereby revoked. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8519; Filed, November 13, 1941; 3:36 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES THROUGH DOMESTIC BANKS TO PERSONS IN CHINA

General License No. 75 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

§ 131.75 *General license No. 75.* (a) A general license is hereby granted authorizing remittances in any amount by any person through any domestic bank to any person in any part of China except Manchuria, and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

¹ 6 F.R. 3723, 3888.

¹ 6 F.R. 3724, 3888.

¹ 6 F.R. 3725.

(1) Such remittances may be made from any account other than a blocked account and, subject to item (2) hereof, such remittances may be made from the blocked account of any national of China.

(2) Such remittances may not be made from any blocked account if any of the following has an interest in such account:

- (i) Any national of any blocked country other than China;
- (ii) Any person within Manchuria; or
- (iii) Any blocked country other than China; and

(3) Such remittances shall be effected by a domestic bank paying the dollar amount of the remittance to a designated agent of the Central Bank of China for the account of an appointed bank.

(b) All domestic banks effecting such remittances shall satisfy themselves that the foregoing terms and conditions are complied with.

(c) With respect to each remittance made pursuant to this general license reports on Form TFR-132 shall be executed and filed in the manner and form and under the conditions prescribed in General License No. 32. Domestic banks through which any such remittances originate shall note on the reverse side of such form the nature of the transaction for which the remittance is being made but need not furnish the information called for in item 6 of such form.

(d) All dollars accruing to any appointed bank pursuant to this general license shall, if so required by the Stabilization Board of China, be made available to the Board by payment to the Central Bank of China against delivery of an equivalent amount of Chinese national currency.

(e) This general license shall not be deemed to authorize any transaction incidental to imports and exports between the United States and China.

(f) As used in this general license:

(1) The term "appointed bank" shall have the same meaning as that prescribed in General License No. 58.

(2) The term "designated agent of the Central Bank of China" shall mean either the Bank of China or the Philippine Bank of Communications. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. No. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8520; Filed, November 13, 1941; 3:37 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES THROUGH DOMESTIC BANKS TO PERSONS IN CHINA

Public Circular No. 7 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, etc.

Appendix

NOVEMBER 12, 1941.

General Licenses Nos. 32¹ and 33² shall not be deemed to authorize remittances to any individual in any part of China, except Manchuria, unless such remittances are effected in the manner prescribed in paragraph (a) (3) of General License No. 75,³ namely, by a domestic bank paying the dollar amount of the remittance to a designated agent of the Central Bank of China for the account of an appointed bank. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8515; Filed, November 13, 1941; 3:35 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MISSOURI TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Missouri to direct any local board in the State of Missouri to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Missouri will be guided by the provisions

¹ 6 F.R. 5467.

² 6 F.R. 5468.

³ *Supra*.

of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Missouri shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8511; Filed, November 13, 1941; 2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF IOWA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Iowa to direct any local board in the State of Iowa to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Iowa will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Iowa shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8512; Filed, November 13, 1941; 2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF KANSAS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940

(54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Kansas to direct any local board in the State of Kansas to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Kansas will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Kansas shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8513; Filed, November 13, 1941;
2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR
OF SELECTIVE SERVICE OF ARKANSAS TO
ORDER ADDITIONAL OR ALTERNATIVE
PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Arkansas to direct any local board in the State of Arkansas to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Arkansas will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Arkansas shall submit to the Director of Selective Service copies of plans,

forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8514; Filed, November 13, 1941;
3:00 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION
MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 922—MAGNESIUM

General Preference Order No. M-2-b. to
Conserve the Supply and Direct the
Distribution of Magnesium

Whereas national defense requirements have created a shortage of magnesium; and

Whereas notwithstanding every effort to increase the production of magnesium, such shortage continues and is intensified by reason of increasing defense requirements; and

Whereas under current practices in the handling of magnesium scrap, scrap of proper quality is not coming forward in sufficient volume for reprocessing for reuse for defense purposes; and

Whereas the restrictions and requirements relating to the use of magnesium hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 922.3 General preference order No. M-2-b—(a) Definitions. For the purposes of this Order:

(1) "Magnesium" means any material the principal ingredient of which is magnesium, including, but not limited to, "Magnesium Scrap" and "Magnesium Products", as well as "Magnesium Metal".

(2) "Magnesium Metal" or "Metal" means primary or secondary metal or any alloy thereof, the principal ingredient of which is magnesium, as distinguished from "Magnesium Products" or "Magnesium Scrap".

(3) "Magnesium Products" means any finished or semi-finished part, component, casting, powder or other product, the principal ingredient of which is magnesium.

(4) "Magnesium Scrap" or "Scrap" means any scrap material the principal ingredient of which is magnesium, including, but not limited to:

(i) Scrap material, the principal ingredient of which is magnesium, generated in the course of any industrial process, herein sometimes called "Plant Scrap";

(ii) Defective work in process made of Magnesium, and rejected Magnesium Products, herein sometimes called "Reject Scrap";

(iii) Work in process made of Magnesium which, if completed would be classified as "Dead Stock" as hereinafter defined; as well as

(iv) Discarded Magnesium Products, by whomsoever held.

(5) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(6) "Producer" means the Dow Chemical Company, the Permanente Corporation and any other Person who, upon application, may be so designated by the Director of Priorities.

(7) "Approved Smelter" means the American Magnesium Company, Apex Smelting Company, National Smelting Company, Aluminum and Magnesium Company and the Federated Metals Division, American Smelting and Refining Company, and any other Person who upon application, may be so designated by the Director of Priorities.

(8) "Fabricator" means any Person, including pattern shops and foundries, who fabricates Magnesium Products from Metal or Scrap.

(9) "User" means any Person who uses Magnesium Products in the production of material, or who incorporates Magnesium Products as parts or components in products which he is producing, whether or not the principal content of such material or products is Magnesium.

(10) "Dead Stock" means all Metal and Magnesium Products by whomsoever held, except

(i) That amount of Metal, held by any Fabricator, which constitutes the minimum working inventory (stocks on hand and work in process) required for his currently scheduled production of products to be delivered in filling purchase orders bearing a rating of A-1-j or higher (any Metal held by such Fabricator in excess of such amount to be classified as Dead Stock hereunder);

(ii) Metal held by any Producer or Approved Smelter;

(iii) That amount of Magnesium Products held by any User, which constitutes the minimum working inventory (stocks on hand and work in process) required for his currently schedule production of products to be delivered in filling purchase orders bearing a rating of A-1-j or higher (any Magnesium Products held by such User in excess of such amount to be classified as Dead Stock hereunder); and

(iv) Magnesium Products, held by any Fabricator, for which at the time he has purchase orders on his books bearing a rating of A-1-j or higher (any other Magnesium Products held by such Fabricator to be classified as Dead Stock hereunder).

(v) Magnesium Products consisting of patterns, forming blocks, blocks, dies, jigs, flasks, fixtures and other equipment: *Provided, however,* That such Magnesium Products, if obsolete or if substitute equipment is available, shall be classified as Dead Stock hereunder.

(b) *Prohibition of contamination and debasement.* No Person shall contaminate or debase Magnesium by the admixture therewith of, or the incorporation thereof with, any other metal or

material, except as the Director of Priorities may, upon application, specifically authorize; provided, that any admixture or incorporation for the purpose of producing Magnesium or aluminum alloys, which alloys are produced, held, used and disposed of in conformity with this Order or any Order issued by the Director of Priorities with reference to aluminum, is hereby permitted.

(c) *Allocation of output of producers, approved smelters and fabricators.* Each Producer and Approved Smelter shall set aside currently his entire stock of Metal (current production, work in process and stocks on hand), and each Fabricator shall set aside currently his entire stock of Magnesium Products (current output, work in process and stocks on hand), to be held subject to allocation by the Director of Priorities. Except as provided in (d) below, no deliveries or withdrawals shall be made from this stock for any purpose except pursuant to specific directions heretofore or hereafter issued by the Director of Priorities. Prior to the first day of December, 1941, and of each calendar month thereafter, the Director of Priorities will issue to each Producer, Approved Smelter and Fabricator specific directions covering deliveries of metal which may be made by each such Producer or Approved Smelter and of Magnesium Products which may be made by each such Fabricator, to its customers during each month. However, even though specifically authorized by the Director of Priorities, no Producer, Approved Smelter or Fabricator shall make any delivery of Magnesium to any User during any month unless such User shall have furnished him with a statement that (1) such User has filed with the Office of Production Management the inventory report currently required from such User, to be prescribed hereunder, and that (2) such User has not placed an order for Magnesium with some other Person duplicating the order for delivery in question: *Provided, however,* That such delivery may be made pursuant to a specific direction from the Director of Priorities which specifies that delivery shall be made notwithstanding the failure of such User to file such report.

(d) *Operations confined to purchase orders bearing a rating of A-1-j or higher.* No User shall order, acquire, offer, deliver or use Magnesium Products except for the purpose of filling purchase orders bearing a rating of A-1-j or higher, or except as the Director of Priorities may specifically authorize or direct. Pending receipt of specific directions allocating his output pursuant to (c) above, any Fabricator or Approved Smelter may, during November, 1941, continue to use, offer and deliver Magnesium, but only in the fulfillment of purchase orders bearing a rating of A-1-j or higher.

(e) *Inventory and scheduling provisions.* No Fabricator shall order or acquire Metal, and no User shall order or

acquire Magnesium Products, except for delivery at such times and to the extent that may be necessary to maintain the minimum working inventory (stocks on hand and work in process) which is required for his currently scheduled production of products to be delivered in fulfillment of purchase orders bearing a rating of A-1-j or higher, except as the Director of Priorities may specifically authorize or direct.

(f) *Dead stock.* (1) Except as the Director of Priorities may, upon application, authorize or direct, each Person owning Dead Stock shall sell such Dead Stock to a Producer, Approved Smelter, Fabricator or, in the case of Dead Stock other than Metal, a User; and no such Person shall in any way use or dispose of such Dead Stock except by such a sale.

(2) Each Fabricator, User and any other Person who in the normal course of operations accumulates or acquires Metal or Magnesium Products, which may constitute Dead Stock hereunder, shall immediately review, and thereafter at least monthly shall review, his stock of Metal and Magnesium Products, with a view to determination as to what part of such stock may, without jeopardizing the filling of purchase orders currently on his books which bear a rating of A-1-j or higher, but irrespective of any dislocation of his other business operations which may arise from changes in inventory practice resulting from compliance with this Order, be set aside as Dead Stock.

(3) On or before the last day of November, 1941, and of each calendar month thereafter, each Person owning any Dead Stock shall report the amount and kind of all such Dead Stock to the Aluminum and Magnesium Branch, Office of Production Management, Social Security Building, Washington, D. C.: *Provided,* That no such report shall be required of any Producer, Approved Smelter, Fabricator or User except as a part of the monthly report of his operations to be prescribed hereunder. In all such reports except the first, such Person shall also state the source of any such Dead Stock which may have been acquired after the effective date of this Order from any Person other than a Producer, Approved Smelter, Fabricator or User. Failure to make such report on the part of any Person, other than a Producer, Approved Smelter, Fabricator or User shall be deemed a representation to the Office of Production Management, subject to the penalties of Section 35A of the United States Criminal Code, that such Person does not own any Metal or Magnesium Products.

(g) *Collection, segregation, and use of scrap.* (1) Except as provided in (2) below, any Person owning any Scrap, and any Person operating a plant which generates any Plant or Reject Scrap, shall, in his plant or on his premises, collect, bag or place in suitable containers, label,

identify and otherwise prepare for shipment for reprocessing by others, all such Scrap which he owns or which is generated in his plant. Such Scrap shall be segregated so as to avoid contamination by other metals and materials and otherwise handled in such manner that it will be of acceptable quality for reprocessing.

(2) Any Producer or Approved Smelter may use any Scrap in the production of Magnesium in a plant operated by it. Any Fabricator, who, in the normal course of, or as an incident to its operations, melts Scrap for the purpose of fabricating Magnesium Products therefrom, may use any Plant Scrap and Reject Scrap generated in his plant in the course of such fabrication, but only if such Scrap is re-melted and re-fabricated in such plant into products for the production of which such Fabricator is currently obtaining deliveries of Magnesium in conformity with this Order, and if, in estimating, applying for and ordering such Magnesium, such Fabricator reduced his requirements by an amount which, under the circumstances, represented a reasonable anticipation of the amount of Plant and Reject Scrap which would be recoverable for reuse as above authorized.

(h) *Disposition of all scrap.* Except as provided in (g) above or as the Director of Priorities may, upon application, specifically authorize or direct, any Person owning any Scrap shall promptly sell all such Scrap to a Producer or Approved Smelter and shall not use or dispose of such Scrap in any way except by such a sale. On or before the last day of November 1941, and each calendar month thereafter, each Person owning any Scrap shall report the amount and kind of all such Scrap to the Aluminum and Magnesium Branch, Office of Production Management, Social Security Building, Washington, D. C.: *Provided,* That no such report shall be required of any Producer, Approved Smelter, Fabricator or User except as part of the monthly reports of his operations to be prescribed hereunder. In all such reports except the first, such Person shall also state the source of any such Scrap owned which may have been acquired after November 30, 1941, from any Person other than a Producer, Approved Smelter, Fabricator or User. Failure to make such a report on the part of any Person, other than a Producer, Approved Smelter, Fabricator or User, shall be deemed a representation to the Office of Production Management, subject to the penalties of section 35A of the United States Criminal Code, that such Person does not own any Scrap.

(i) *General provisions.* Except as hereinbefore provided, or as may be specifically authorized or directed by the Director of Priorities, no Person shall accept delivery, order or attempt to order, contaminate, debase, use, acquire for use or attempt to use, deliver, offer or attempt to deliver, Magnesium. No Per-

son shall accept delivery of Magnesium knowing or having reason to believe that such Magnesium has been owned, acquired, held, used, contaminated, debased or disposed of in violation of this Order; nor shall any Person dispose of Magnesium to any other Person if he knows or has reason to believe that such other Person is acquiring, or will use, contaminate, debase, hold or dispose of such Magnesium in violation of this Order: *Provided*, That for any purpose permitted by this Order, any Producer or Approved Smelter may freely acquire any Scrap or Dead Stock, any Fabricator may freely acquire Dead Stock and any User may freely acquire Dead Stock other than Metal, irrespective of the status under this Order of the Person disposing of the same.

(j) *Responsibility of agents, bailees, and warehousemen.* Any Person, who, as agent, bailee, warehouseman or otherwise, holds any Magnesium beneficially owned by another Person, which, as he knows or has reason to believe, is not being used or disposed of in accordance with the requirements of this Order, or is about to be used or disposed of in contravention of the terms of this Order, shall be deemed responsible equally with such other Person for such violation, unless he shall promptly report to the Office of Production Management the amount and kind of such Magnesium, the period of time during which he has held it, and the use or disposition to which he knows or has reason to believe such Magnesium is about to be put.

(k) *Specific authorizations or directions.* Provisions in this Order to the effect that Magnesium shall be produced, collected, segregated, delivered, acquired, held, contaminated, debased, used, or disposed of as the Director of Priorities may specifically authorize or direct, contemplate specific action by the Director of Priorities with reference to Magnesium which is specifically identified as the subject matter of such action; and, except to the extent provided in (d) above, no purported authorization or direction to deliver materials in the form of a rated preference order or otherwise, even though by its terms such order would comprehend Magnesium as a material within its scope, shall per se constitute a valid authorization for any delivery of any Magnesium by any Person.

(l) *Hardship clause.* Where, under the peculiar circumstances of an individual case, disposition of Magnesium as required by any of the foregoing provisions, cannot be effected at regularly established prices and terms of sale or payment, or would otherwise impose an unreasonable hardship or sacrifice, the Person required to dispose of the same may apply to the Director of Priorities for exemption in whole or in part from the operation of such provision. Such application shall identify the provision in question, shall specify the nature and

extent of exemption applied for and shall fully set forth the facts alleged to prove unreasonable hardship or sacrifice. Except as the Director of Priorities may otherwise specifically direct, pending determination by him of the merits of any case in which exemption has been so applied for, the filing of the application therefor shall be effective to afford the applicant a temporary exemption, to the extent applied for, from the operation of the provision in question which requires disposition of Magnesium; *Provided, however*, That such filing of the application shall not have any such effect if, at any time, the Director of Priorities shall find that such application was not filed in good faith.

(m) *Regulation No. 1, Incorporation.* Except as otherwise specifically provided herein all the definitions and provisions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941, (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein. Anything in such Priorities Regulation No. 1 to the contrary notwithstanding, no Person is required, hereunder, to accept purchase orders for Magnesium bearing a rating lower than A-1-j, except as the Director of Priorities may specifically direct.

(n) *Effective date.* This Order shall take effect on the 14th day of November, 1941, and, unless terminated by the Director of Priorities, shall expire on the 30th day of April, 1942. This Order supersedes all other Orders and instructions, including General Preference Order No. M-2 as extended,¹ issued by the Director of Priorities with reference to Magnesium but all specific directions and authorizations applicable to particular transactions which have been issued by the Director of Priorities with reference to Magnesium are hereby ratified and confirmed. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8546; Filed, November 14, 1941;
11:21 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-b, Further Restricting the Production of Light Motor Trucks

In accordance with the provisions of § 976.3 (General Limitation Order L-3),²

¹ 6 F.R. 1626, 1784.
² 6 F.R. 4733.

which the following Order supplements, it is hereby ordered, That:

§ 976.5 *Supplementary general limitation order L-3-b—(a) January restrictions.* During the period commencing January 1, 1942, and ending January 31, 1942, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 7 per cent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such month in excess of such number.

(b) *Elimination of "bright work."* On and after December 15, 1941, no Producer shall use any "Bright Work", "Bright Finish", metal finish, or body trim containing copper, nickel, chrome or aluminum in the production of new Light Motor Trucks: *Provided, however*, That permission to use these materials in the plating of bumpers and in the plating of bumper guard assemblies may be given upon a showing that such use will utilize all possible conservation measures and will be restricted to minimum practicable quantities. Applications for such permission shall be made by a letter addressed to the Chief of the Automotive, Transportation, and Farm Equipment Branch, Division of Civilian Supply. Effective immediately, no Producer shall produce such "Bright Work", "Bright Finish", metal finish, or body trim containing copper, nickel, chrome or aluminum except in amounts necessary to complete light motor trucks scheduled to be completed before December 15, 1941.

(c) *Substitution of light motor trucks for passenger automobiles.* In any month any Producer making both passenger automobiles and light motor trucks may increase the number of light motor trucks he is authorized to produce under this General Limitation Order: *Provided*, That he correspondingly reduces his production of passenger automobiles under General Limitation Order L-2. In no event shall he exceed in any month his combined quotas of light motor trucks and passenger automobiles.

(d) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8543; Filed, November 14, 1941;
11:20 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Supplementary General Limitation Order No. L-4-a

In accordance with the provisions of § 983.1 (General Limitation Order No. L-4),¹ which the following order supplements, it is hereby ordered that:

§ 983.3 *Supplementary general limitation order No. L-4-a*—(a) *January restrictions.* During the period commencing January 1, 1942 and ending January 31, 1942:

(1) A Producer shall not manufacture more than one-third of that number of replacement parts (as defined in General Limitation Order L-4) sold by him for replacement purposes during the period from January 1, 1941 to March 31, 1941.

(2) The determination of the number of replacement parts sold from January 1, 1941 to March 31, 1941, shall exclude, and the foregoing limitation upon the number of replacement parts which may be produced by any Producer during the period January 1, 1942 to January 31, 1942 shall not apply to any such replacement parts produced under contracts or orders for delivery to or for the account of any of the persons, governments or agencies enumerated in subparagraph (b) (2) of General Limitation Order No. L-4.

(b) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8544; Filed, November 14, 1941; 11:20 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Extension No. 1 of Limited Preference Rating Order No. P-57

It is hereby ordered that § 983.2 (Limited Preference Rating Order No. P-57),² issued September 18, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

¹ 6 F.R. 4818.

² 6 F.R. 4819.

In order to make this extension effective it is hereby ordered that § 983.2 (e) (3) be amended as follows:

§ 983.2 *Limited preference order No. P-57.*

(3) *By a producer or a supplier:*

(i) Unless the material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of materials on purchase orders placed after January 1, 1942,

(iv) To deliveries of materials on purchase orders calling for delivery after January 31, 1942.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Mar. 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8545; Filed, November 14, 1941; 11:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

PRICE SCHEDULE NO. 41—STEEL CASTINGS

The production of steel castings plays a critical role in the whole defense program. Steel castings at reasonable prices are essential to the increased flow of machines, tanks, ships, airplanes, guns, and, indeed, every variety of military and naval supplies, from the assembly line to the front line of the nation's defense.

Since January 1, 1941, the prices of steel castings have advanced to a point where a further increase would create pressure to raise the prices of ordnance, transportation equipment, and machinery of every description and cause unwarranted risk to our enlarged defense program in terms of delay and useless expense.

After a thorough investigation of costs and other factors relevant to the production and sale of steel castings and after numerous conferences with representatives of all branches of the steel castings industry, it has been decided in the interest of national defense and the public welfare, to establish maximum prices for steel castings of every description whatever.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Sec.
1306.100 Maximum prices for steel castings.
1306.101 Less than maximum prices.
1306.102 Castings not previously produced.
1306.103 Evasion.
1306.104 Filing of prices.
1306.105 Records and reports.
1306.106 Affirmations of compliance.
1306.107 Enforcement.
1306.108 Modification of the schedule.
1306.109 Definitions.

§ 1306.100 *Maximum prices for steel castings.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no producer shall sell, offer to sell, deliver, or transfer steel castings of any description whatever, previously made by him, and no person shall buy, offer to buy, or accept delivery of such steel castings, at prices higher than the prices, together with the extras, terms, and conditions, which were or would have been charged by such producer on July 15, 1941, and which, following December 1, 1941, are filed with the Office of Price Administration in accordance with § 1306.104.*

*§§ 1306.100 to 1306.110, inclusive, issued pursuant to authority contained in E. O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.101 *Less than maximum prices.* Lower prices than those set forth in § 1306.100 may be charged, demanded, paid, or offered.*

§ 1306.102 *Castings not previously produced.* Any producer undertaking to make a steel casting, which is part of an order totaling \$100 or more, which has not previously been made by such producer, and which is substantially different in design from any steel casting previously made by such producer, shall file with the Office of Price Administration a copy of the Estimate Sheet for each such steel casting, with an explanation thereof, together with a clear description and the selling price: *Provided,* That where such steel casting is priced in accordance with the "Comprehensive Report" such producer shall not be required to file with the Office of Price Administration the documents mentioned in this section.*

§ 1306.103 *Evasion.* The price limitations set forth in § 1306.100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of steel castings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.104 *Filing of prices.* On or before December 1, 1941, every producer shall file with the Office of Price Administration the price or prices, extras, terms, and conditions, classified by size and quantity, in accordance with which

he sold or would have sold steel castings subject to § 1306.100, on July 15, 1941: *Provided*, That where such price or prices coincide with the "Comprehensive Report" the producer need only signify that such prices do coincide with those listed in said "Comprehensive Report."*

§ 1306.105 *Records and reports.* Every person making purchases or sales of steel castings after November 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind purchased or sold, and (b) the quantity of steel castings (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.106 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every producer who, during the preceding calendar month has sold steel castings, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 141:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 141:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1306.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of spec-

ulation, or manipulation of prices of steel castings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.108 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1306.109 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Producer" means a person engaged in the production of steel castings.

(c) "Steel castings" means any cast steel object that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes both railroad specialty and miscellaneous steel castings.

(d) "Comprehensive Report" means the "Comprehensive Report of Price Lists of Miscellaneous Castings," published by the Steel Founders' Society of America, for the third quarter of 1941, beginning July 1, 1941.*

§ 1306.110 *Effective date of the schedule.* This Schedule shall become effective November 15, 1941.*

Issued this 14th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8521; Filed, November 14, 1941;
9:06 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission on November 12, 1941, effective immediately, amended § 3.406 in the following respects:

§ 3.406 *Station identification.*¹ (a) A licensee of a standard or high-frequency broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour, *Provided*:

(c) Such identification announcement need not be made on the half hour or

quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program, *Provided*, That an announcement within 5 minutes of the time specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8509; Filed, November 13, 1941;
2:22 p. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

The Commission on November 12, 1941, effective immediately amended the following sections to read:

§ 6.9 *Radiotelegraph.* The term "radiotelegraph" as hereinafter used shall be construed to include types A-0, A-1, A-2, and A-4 emission. In addition, the term shall be construed to include type A-3 emission for the purposes of § 6.51. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 6.51 *Addressed program material.* (a) Stations operating in the fixed public service and in the fixed public press service may be authorized to transmit addressed program material to a fixed point or points, specifically named in the instrument of authorization granted to the licensee, beyond the continental limits of the United States intended for broadcast only by a broadcast station. Any such authorization shall be subject to the condition that no interference is caused to the authorized regular service of the station as defined by § 6.8.

(b) Such stations may also, upon proper application therefor, be authorized to transmit addressed program material to any such fixed point in South or Central America for simultaneous interception and broadcast by a broadcast station at one or more additional points in the same general area upon a showing that public message service to such fixed point of communication will not be unduly impaired. Application for such authority shall be submitted not less than

¹ 6 F.R. 1317.

10 days prior to the proposed date of the first interception. Such application shall show, in addition to the proposed intercept and broadcast points, the South or Central American station or stations over which the program will be broadcast, a full description of the arrangements made for such intercept and broadcast, and the period for which such authority is requested. Authorizations will be limited to the period for which arrangements for broadcasting by South or Central American stations have been made and in no event will extend beyond the term of the point-to-point station license. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8510; Filed, November 13, 1941;
2:22 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-271-ORD-624]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL ROLL & STEEL
FOUNDRY CO., EAST CHICAGO, INDIANA

Contract for: * * * Cast Armor
Shields * * * Additional Facilities.
Amount: \$1,687,000.00.

Place: Chicago Ordnance District Of-
fice, 38 South Dearborn Street, Chicago,
Illinois.

The * * * Cast Armor Shields
* * * to be obtained under this
contract are authorized by, are for
the purpose set forth in, and are charge-
able to Procurement Authority ORD
20,063 P 22-30 A 1204-12, the available
balance of which is sufficient to cover
the cost of same.

This contract,¹ entered into this 29th
day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * cast armor shields * * * additional facilities for the consideration stated of one million, six hundred eighty-seven thousand (\$1,687,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of

all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 17. *Increased quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 18. *Termination for convenience of the government.* Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this article.

ART. 28. *Price adjustments.* The contract price stated in Article 1 is subject to adjustments for changes in labor and materials costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

ART. 33. *Government-owned facilities.* (a) In connection with its work under this contract, the Contractor shall acquire or manufacture for the Government's account, the facilities listed herein.

(b) As each item of the facilities listed is delivered to, or manufactured by, the Contractor, for the Government's account, it shall become and remain the property of the Government, and title thereto shall vest in the Government. The Government hereby grants to the Contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and, subject to the written approval of the Contracting Officer, to any additional work for which the Government may contract. The Contractor agrees at its own expense to keep such facilities in good operating condition and repair and to make all necessary repairs and replacements thereof.

This contract is authorized by Act of July 2, 1940 (Public No. 703, 76th Congress), as continued in effect by Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8524; Filed, November 14, 1941;
9:38 a. m.]

[Contract No. W 535 ac-21601: 5675]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL ELECTRIC COMPANY,
SCHENECTADY, NEW YORK

Contract for: * * * Turbine Supercharger Assemblies.

Amount: \$26,406,000.00.

Place: Matériel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12-30 A-0705-2

AC 18 P 82-30 A-0705-2

This contract,¹ entered into this 17th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Turbine Supercharger Assemblies for the consideration stated twenty-six million four hundred and six thousand dollars (\$26,406,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 19. *Price adjustment.* The contract prices stated in this contract for superchargers are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the superchargers.

ART. 20. *Delays—Damages.* If the Contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 17 or any extension thereof, then the Government

¹ Approved by the Chief of Ordnance October 20, 1941.

¹ Approved by the Under Secretary of War October 2, 1941.

may by written notice terminate the right of the Contractor to proceed with deliveries of such part or parts of the materials or supplies covered by this contract as to which there has been delay.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 9, June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8525; Filed, November 14, 1941;
9:38 a. m.]

[Contract No. W-398-qm-10328; O. I. #4628]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION
(CHEVROLET DIVISION), DETROIT, MICHIGAN

Contract for: Trucks, * * *

Amount: \$10,434,629.65.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 7th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trucks for the consideration stated \$10,434,629.65 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments

for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * *. This increase option to remain in effect until * * *.

Terms of payment. Discount will be allowed for payment as follows: 30 calendar days 5%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority SC 706 P 6-30 A 0605-01, SC 2066 P-13-13 A 0605-12, QM 15915 P 37-30 A 0525.003-12, QM 16036 P 63-07 A 0525-12, AC 11 P 71-1281 A 0605-12, Eng 287 P 3-30 A 0905-12, CWS 882 P 25-30 A (1105) .108-12, QM 15242 P 23-30 A 0535-12, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8526; Filed, November 14, 1941;
9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-1]

IN THE MATTER OF HARMAN COAL COMPANY,
REGISTERED DISTRIBUTOR, REGISTRATION
No. 4002, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division issued a Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter, to determine whether or not the Harman Coal Company, a registered distributor, Registration No. 4002, has violated certain provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Agreement as Distributor, executed June 29, 1939, and to determine whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, and for said purposes having given notice of information in possession of the Division, and additional information having come into the possession of the Division;

It is ordered, That said Notice of and Order for Hearing be, and the same hereby is, amended by adding after paragraph 3 a new paragraph numbered 4, reading as follows:

4. If the respondent acted as sales agent for said C. E. Haymaker, doing business as Paramount Coal Company, in the sale of the 4 cars of slack coal described in paragraph 3 hereof, then said respondent violated Rule 3 of Section II of the Marketing Rules and Regulations and paragraph (e) of its Distributor's Agreement inasmuch as the

invoices filed by the respondent covering said 4 cars of slack coal failed to disclose the fact of the agency relationship between the respondent and said code member and also failed to disclose the name of the code member-principal.

It is further ordered, That, except as hereinabove specifically amended, said Notice of and Order for Hearing herein, dated October 9, 1941, shall in all other respects remain in full force and effect.

Dated: November 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8527; Filed, November 14, 1941;
10:46 a. m.]

[Docket No. B-19]

IN THE MATTER OF ISAAC COLLINS (MAMMOTH BLOCK COAL COMPANY), DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT AND CANCELLING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 14, 1941, at a hearing room of the Bituminous Coal Division at Catlettsburg, Kentucky; and

The Bituminous Coal Producers Board for District No. 8, complainant in the above-entitled matter, having filed a motion to withdraw its complaint heretofore filed against the above-named defendant; and

Good cause having been shown why said motion to withdraw should be granted and said hearing cancelled;

Now, therefore, it is ordered, That the motion to withdraw the above-entitled complaint be and the same is hereby granted without prejudice; and

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8528; Filed, November 14, 1941;
10:46 a. m.]

[Docket No. A-1031, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR RAIL SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

ORDER POSTPONING HEARING

The petitioner having moved that the hearing in the above-entitled matter, scheduled for November 12, 1941, at 10 o'clock in the forenoon of that day, be postponed until 10 o'clock in the forenoon of November 26, 1941; and

The petitioner having shown good cause therefor, and no opposition thereto appearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be,

and it hereby is, postponed from 10 o'clock in the forenoon of November 12, 1941, until 10 o'clock in the forenoon of November 26, 1941, at the place and before the officers heretofore designated.
Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8529; Filed, November 14, 1941;
10:46 a. m.]

[Docket No. B-10]

IN THE MATTER OF J. B. WILLIAMSON, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on November 14, 1941 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Old Federal Building, Rm. 539, Cleveland, Ohio; and

It appearing to the Director that it is advisable to postpone said hearing;

Now therefore it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on November 14, 1941 to 10 a. m. on November 25, 1941 at the same place and before the officer previously designated to preside.

Dated: November 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8530; Filed, November 14, 1941;
10:46 a. m.]

[Docket No. B-31]

IN THE MATTER OF LONNIE ROMANS, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 21, 1941, at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky, by Order of the Director; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby postponed to a date and at a place to be hereafter designated by an appropriate Order of the Director.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8531; Filed, November 14, 1941;
10:47 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10

o'clock in the forenoon of November 14, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky, by Order of the Director; and;

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed to a date and at a place to be hereafter designated by an appropriate Order of the Director.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8532; Filed, November 14, 1941;
10:47 a. m.]

[Docket No. B-33]

IN THE MATTER OF T. E. HARRIS, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 15, 1941, at a hearing room of the Bituminous Coal Division, at the Court Room, Federal Building, Catlettsburg, Kentucky; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 15, 1941, until 10 o'clock in the forenoon of December 8, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, London, Kentucky, and before the officers previously designated to preside at said hearing.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8533; Filed, November 14, 1941;
10:47 a. m.]

[Docket No. B-39]

IN THE MATTER OF CLARENCE SMITH, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 17, 1941, at a hearing room of the Bituminous Coal Division, at the Court Room, Federal Building, Catlettsburg, Kentucky; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 17, 1941, until 10 o'clock in the forenoon of December 8, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, London, Kentucky, and

before the officers previously designated to preside at said hearing.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8534; Filed, November 14, 1941;
10:48 a. m.]

[Docket No. A-227]

IN THE MATTER OF THE PETITION OF TRUAX-
TRAER COAL COMPANY AND UNITED
ELECTRIC COAL COMPANIES ON BEHALF
OF THEMSELVES AND CERTAIN RETAIL
DEALERS IN THE CHICAGO AREA REQUEST-
ING FREE ALONGSIDE PRICES FOR THE
RETAIL DEALERS

MEMORANDUM OPINION AND ORDER GRANTING
TEMPORARY RELIEF

This proceeding was instituted upon a joint petition filed with the Bituminous Coal Division ("Division") by Truax-Traer Coal Company ("Truax-Traer"), and the United Electric Coal Companies ("United Electric"), code member producers in District 10, on behalf of themselves and seven named retail coal dealers in Chicago, Illinois, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act").

The original petition requests that these retailers; South Chicago Coal and Dock Company; Chicago Waterways Fuel Company; Black Hawk Coal Company;¹ Silver Creek Coal Company; Riverdale Coal and Dock Company; Consumers Company of Illinois; and Holland Coal Company, (the "Chicago Retailers"), be permitted to purchase coals from the Buckheart Mine (Mine Index No. 17) of United Electric, and the Flatt Mine (Mine Index No. 46) of Truax-Traer (both mines being in Freight Origin Group No. 91 and Price Group No. 24 in District 10) at the minimum f. o. b. mine prices for free alongside delivery ("f. a. s. prices"), in accordance with paragraph 3-A of the "Special River Price Instructions and Exceptions" in the Schedule of Effective Minimum Prices for District 10 for All Shipments Except Truck ("District 10 Schedule").

Intervening petitions were filed by District Boards 2, 7, 10, and 11; by Franklin County Coal Corporation, et al., Pyramid Coal Corporation, and Central Illinois Coal Mining Company, et al., code members in District 10.

A hearing was held on November 26 and 27, 1940, before a duly designated examiner of the Division. Appearances at the hearing were filed by Consumers' Counsel Division and District Board 8. The original petitions, all intervening petitioners, and District Board 8 participated in the hearing.

On May 12, 1941, the Examiner, Charles O. Fowler, submitted his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, to the Di-

¹ Black Hawk Coal Company has gone out of business and was, by amendment, eliminated from this petition.

rector in which he recommended that relief be denied.

On June 2, 1941, petitioners filed a motion for an extension of time within which to file exceptions to the Examiner's Report and contemporaneously therewith filed a motion to amend the original petition to request that the Director, in the alternative, enter an order establishing just and equitable minimum prices for petitioner's coals when shipped via river to Market Area No. 29 which will preserve their existing fair competitive opportunities; and, to remand the case to the Examiner with directions to prepare a further report based upon the issues raised by the amended petition.

On July 11, 1941, the Director entered an Order sustaining the motion and permitting the amendment of the original petition as requested by the original petitioners and remanding the proceedings to an Examiner with directions to reopen the hearing for the limited purpose of receiving additional testimony directed to the question of whether the alternative relief requested by the amended petition should be granted.

Accordingly the hearing was reopened and held on August 7, 1941, before a duly designated examiner of the Division. The original petitioners; intervening petitioners; District Boards 2, 7, 8, and 11; Franklin County Coal Corporation, et al.; and the Consumers' Counsel Division, participated in the reopened hearing.

On August 9, 1941, the petitioners filed a motion for temporary relief, pending final disposition of the original petition, upon the basis of the record, including evidence presented at the hearing which concluded on November 27, 1940, and the further evidence taken at the reopened hearing on August 7, 1941.

The record shows that the development of the Illinois River began about 1919 by building locks and by dredging. The Federal Government, in cooperation with the State of Illinois, expended approximately \$32,000,000 from 1919 to 1939 in improving and developing the river for navigation purposes. By 1937 improvements had progressed to the point that the river was open for navigation from Chicago to the Mississippi River. Substantial quantities of coal were transported by this river in 1937 and continued to be so transported in increasing volume.

The petitioners began making river shipments to the named retailers in 1938. The Buckheart Mine was opened in 1937 and in that same year washing facilities were installed at the Fiatt Mine. About the same time both petitioners expended funds for the construction of docks and in the acquisition of transportation facilities for transporting coal from the mines to the river and loading on barges.

Shipments to the Chicago retailers by river were as follows: From the Buckheart Mine, 23,049 tons in 1939 and 29,806 tons in 1940; from the Fiatt Mine, 16,720 tons in 1938, 12,827 tons in 1939, and 17,830 tons in 1940.

Under the present schedule of prices Chicago retailers are required to pay the ex-river prices described in the District 10 schedule. These prices, delivered prices, are the same as the prices for rail-delivered coals except that 20 cents per ton may be deducted in Size Groups 9 to 29, inclusive, and 60 cents per ton in Size Groups 1 to 8, inclusive. This deduction is allowed in order to compensate for the cost of lifting coal from the barge to the retail yard alongside the river and degradation.

Evidence was introduced by the petitioners that the cost of transporting coal (Size Groups 9 to 29, inclusive) from the Buckheart and Fiatt Mines to Chicago was \$1.05 per net ton. The cost of transporting coal from the mines to Chicago via rail was shown to be \$1.65 per net ton. Thus there is a difference of 60 cents in favor of river borne coals. This difference, however, is reduced by 20 cents per net ton which may be deducted from the effective minimum price for coals in Size Groups 9 to 29, inclusive, moving by river to retailers in the Chicago area. After deducting the 20 cents per ton from the 60-cent difference there remains, according to the testimony introduced by the petitioners, 40 cents per net ton net difference in favor of river borne coals. Although there was some evidence challenging this testimony, it is a fair inference from all the evidence that coal may be transported from these mines to Chicago free alongside at a lower transportation cost than when moving by rail.

There was evidence relating to quality of coals produced at the Buckheart and Fiatt Mines. These mines are in the Fulton-Peoria Subdistrict of District 10. The petitioners contended that Fulton-Peoria coals are lower in quality than competing coals. It is recognized that they are among the lower quality coals produced in District 10. Petitioners contend, however, that Fulton-Peoria coals are also inferior to competing coals from District 11.

The evidence establishes that, with the exception of a negligible quantity, petitioners have not shipped coal from the Buckheart and Fiatt Mines to the Chicago retailers by river since October 1, 1940, the date minimum prices became effective. Testimony for the petitioners was that the cessation of the river movement was due entirely to the applicable minimum prices. They contend that Fulton-Peoria coals must have a 40-cent differential favorable to those coals, equivalent to the free alongside price, before they can compete in the Chicago market. They further contend that they enjoyed that differential under open competition and that large expenditures were made by them preparatory to making river shipments and that expenditures were also made by the retailers, all in anticipation of being able to avail themselves of lower river transportation costs and thereby be enabled to sell the low grade Fulton-Peoria coal in competition with other coal.

It is further contended that at least some of the retail dealers on whose behalf this petition was brought have no facilities to accept rail-shipped coal or at best limited facilities and therefore their inability in whole or in part to purchase river-shipped coal at prices which would permit the successful resale thereof endangers the continuance of their operation.

Evidence was introduced by interveners that the minimum prices for Fulton-Peoria coals were properly coordinated in Market Area 29 (Chicago) with the lower grade coals produced in District 11 and with the coals produced in the other producing fields in District 10, and that if the relief prayed for by the original petitioners is granted the consequence will be a disruption of that coordination because of an increased flow of tonnage from the Fulton-Peoria field to Chicago with the consequent displacement of tonnage from the other fields.

Thus, the petitioners contend that the preservation of their existing fair competitive opportunities requires the granting of the relief prayed for and their competitors contend that their rights in that regard will be prejudiced by the granting of relief. Testimony introduced by the petitioners was to the effect that the granting of relief would not result in any appreciable increase over the 1938, 1939, and 1940 tonnages of petitioners' coals moving by river to Chicago.

The matter of coordination of the prices of the coals in question in Market Area 29 put in issue by petitioners' amended petition need not be now considered for it should await receipt of the Examiner's supplemental report and additional data hereinafter required to be filed in this cause.

Since the establishment of effective minimum prices on October 1, 1940, little or no coal has moved by river to the retail dealers in Chicago. Even to the extent that this shipping stoppage may have been due to the effective minimum prices, it does not necessarily mean that the established prices are improper. It may well be that this stoppage of shipment is an inevitable consequence of the application of the standards of the Act. Indeed, this is the claim of the producers shipping by rail to Chicago who contend that the granting of f. a. s. privileges here would seriously disrupt the competitive situation now existing in Chicago under which 20,000,000 tons of coal move by rail. Such a claim must, however, be carefully scrutinized, particularly because petitioners claim that the existing prices are depriving consumers of the benefit of cheaper river transportation and are rendering less useful the improvements made on the river at great expense to the government and the investments in river shipping equipment made by private industry. It is conceded that prior to the establishment of effective minimum prices petitioners were shipping by river in the aggregate of 38,000 net tons of coal to Chicago. Consequently, it cannot be urged that the

continued shipping of such tonnage would, under normal circumstances, disrupt the competitive situation heretofore existing in Chicago. Therefore, as a matter of temporary relief and pending final determination of the requests for relief here, it is appropriate to grant the relief requested by petitioners, limiting it to the quantity of coal previously shipped by river to the named Chicago retailers and requiring that the shipments be spread as far as practicable over the entire year.

The "river situation" in Chicago is indeed a difficult one and the Director has considered carefully the conflicting positions of the parties. In an effort to reach a solution, which is both consistent with the standards of the Act and fair to all the interests involved, the Director has concluded that the relief, qualified as above explained, is unlikely to prejudice the movement of rail shipped coal into the Chicago market whereas it will at the same time permit the utilization of the developments heretofore made to further the use of river shipments.

The relief to be granted will be temporary only. The alternatives which will present themselves for final determination are whether (1) the f. a. s. prices should be given the petitioners, (2) petitioners should be denied f. a. s. prices, or (3) petitioners should be given f. a. s. prices extending, however, only to the quantity of coal sold prior to the establishment of effective minimum prices.

The Director feels that the Chicago "river situation" can be better resolved in the light of the experience gained under the operation of this temporary relief, and to that end certain reports will be required to be filed with the Division by petitioners and by the retail dealers on whose behalf this petition has been brought. Careful study of these reports will be made with a view to ascertaining what further action need be taken to solve the difficult problem now existing.

As has been stated, the temporary relief will be limited to the quantity of coal which the respective petitioners may ship in any one calendar year under this temporary relief. In the calendar year 1940, prior to October 1, United Electric sold 29,806 net tons, and Truax-Traer sold 17,830 net tons for shipment via the Illinois River for free alongside delivery to the seven named retailers in Chicago. These were the highest tonnages shipped by the petitioners, respectively, in any calendar year prior to the establishment of minimum prices on October 1, 1940. Good and sufficient reasons appear for a limitation upon the aggregate tonnages which may be sold by the petitioners respectively, under the temporary relief. United Electric should be limited to 30,000 tons and Truax-Traer to 18,000 tons which may be shipped via the Illinois River, to the six remaining Chicago retailers.² Such lim-

itation will preserve for the petitioners the highest level of shipments attained by them in the past and will not unduly prejudice the interveners or either of them.

The effect of the relief to be given can be ascertained only if the tonnage permitted to be shipped at f. a. s. prices is shipped over in the normal manner and over a representative period. Therefore, it will be a condition of this order that no more than $\frac{1}{12}$ of the tonnage authorized to be shipped by the respective petitioners at f. a. s. prices shall be shipped in any one month except that any tonnages authorized to be shipped in a preceding month which have not been shipped may be added to the shipments for a subsequent month.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the section "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases (d)," page 53, add the following provision: "Truax-Traer Coal Company (Fiatt Mine (Mine Index No. 46)), and United Electric Coal Companies (Buckheart Mine (Mine Index No. 17)), may sell coal for barge delivery free alongside at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mines and reloaded into barges on the Illinois River for transshipment on the Illinois River to South Chicago Coal and Dock Company, Chicago Waterways Fuel Company, Silver Creek Coal Company, Riverdale Coal and Dock Company, Consumers Company of Illinois, and Holland Coal Company, retail coal dealers, for resale at retail by such dealers located within the switching limits of the City of Chicago, Illinois: *Provided*, That the aggregate tonnage, which may be sold under this order by Truax-Traer Coal Company shall not exceed 18,000 net tons, and by United Electric Coal Companies, 30,000 net tons in any calendar year."

Provided, however, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof; and

Provided further, That petitioners Truax-Traer Coal Company and United Electric Coal Companies shall, during any one month, ship to Chicago at f. a. s. prices here authorized no more than one-twelfth of the tonnage authorized to be shipped by this order except that if in any one month less than the allowable tonnage is shipped, such deficiency may be shipped in any subsequent month in addition to the amount initially allowed to be shipped during that month;

Provided further, That Truax-Traer Coal Company or United Electric Coal Companies offering for sale, selling or reselling any coal pursuant to this Order

shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C., within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C., shall be in addition to that required for filing with the field office;

Each report or description required herein shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings; and

Provided further, That the retail dealers on whose behalf this petition was brought shall file with the Division a statement at the end of each month setting forth the amount of coal purchased from petitioners here at f. a. s. prices and the prices at which such coal was sold at retail; and

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence, or other documents pertaining to the offer for sale, sale, delivery, or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: November 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8535; Filed, November 14, 1941;
10:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 638, 639]

IN THE MATTER OF THE APPLICATIONS OF
NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, public hearing in the above-entitled proceeding, being the applications of Northwest Airlines, Inc. for amendment of its existing certificate of public convenience and necessity for route No. 3 so as to permit the applicant to schedule trips eastbound out of Portland via Seattle as the first intermediate stop rather than via Yakima or Spokane

²The petition has been withdrawn with respect to Black Hawk Coal Company.

as the first stop; and to schedule west-bound trips to Portland via Seattle; and for temporary certificate of public convenience and necessity between Seattle and Portland, pending final disposition of Docket No. 638, is hereby assigned for December 1, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7856, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., November 12, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8523; Filed, November 14, 1941;
9:38 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-30]

IN THE MATTER OF DESIGNATING AS HABIT FORMING CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [Sec. 502 (d), 52 Stat. 1050, 21 U.S.C. Sec. 352 (d) (Sup. V, 1939)]; the Reorganization Act of 1939 [53 Stat. 561 ff., 5 U.S.C., 133-133v (Sup. V, 1939)]; and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record at the above-entitled hearing duly held pursuant to notice thereof issued by the Administrator on January 27, 1941 (6 F.R. 680), the following order be promulgated:

FINDINGS OF FACT¹

Finding 1

The principal factors which govern formation of a drug habit are the nature of the individual who takes the drug and the pharmacologic action produced by that drug (R. pp. 520-522, 526-528, 538).

Finding 2

The effect of a drug which may give rise to habit formation is pleasurable stimulation or escape from unpleasant experience, such as insomnia, fear, grief, pain, etc. (R. pp. 521-523, 527-528, 538).

Finding 3

Such effects are produced by the administration of drugs which have depressant or stimulant properties (R. pp. 523-528, 537-538, 546-548, 592).

¹ The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

Finding 4

Desire to obtain such effects is likely to cause frequently repeated use of such drugs (R. pp. 520-522, 526-528, 538).

Finding 5

Frequently repeated use of such drugs is likely to induce, and in certain persons does induce, psychic dependence and, in the case of some drugs, psychic and physical dependence, on such drugs (R. pp. 520-523, 526-530, 537-538, 604-606, 610-611, 614-616, Govt. Ex. No. 10).

Finding 6

Psychic dependence on a drug is habituation to that drug, and psychic and physical dependence on a drug is addiction to that drug, so that addiction to a drug includes habituation to that drug. A drug which is likely to induce, and in certain persons does induce, habituation to such drug is a habit-forming drug, although repeated use of that drug may not necessarily induce addiction to that drug (R. pp. 520-530, 546-547, 553, 604-606, 610-611, 615, Govt. Ex. No. 10).

Finding 7

The fundamental nucleus of a drug which possesses the habit-forming prop-

erties is in no way modified by the addition of the basic or acidic ion, so that the habit-forming properties of a drug are substantially the same whether it be a free base, or acid, or a salt formed by its combination with an acidic or basic ion. The principal differences between these forms are only in their physical properties, such as solubility, which may affect the mode of administration of the drug or its rate of absorption by the human body; but once absorbed their effects are identical (R. pp. 538-541, 549-550, 554, 560-561, 963-964, 971-972).

Finding 8

A chemical derivative is a substance so related to another substance by modification or partial substitution as to be regarded as theoretically derivable from it, even when not obtainable from it in practice (R. pp. 83, 236).

Finding 9

Each of the following drugs is theoretically derivable or is actually derived from a parent substance specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act, as hereinafter indicated:

| Parent substance | Chemical derivative | Chemical description of derivative |
|----------------------|---|--|
| Barbituric Acid..... | Alurate..... | (5-allyl-5-isopropyl-barbituric acid.) |
| | Amytal..... | (5-ethyl-5-isoamyl-barbituric acid.) |
| | Barbital..... | (5,5-diethyl-barbituric acid.) |
| | Butisol..... | (5-ethyl-5-sec-butyl-barbituric acid.) |
| | Cyclopal..... | (5-allyl-5-cyclopentenyl-barbituric acid.) |
| | Dolopal..... | (5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.) |
| | Dial..... | (5,5-diallyl-barbituric acid.) |
| | Eldoral..... | (5-ethyl-5-(1-piperidyl)-barbituric acid.) |
| | Enunaron..... | (5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.) |
| | Evipal..... | (1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.) |
| | Ipral..... | (5-ethyl-5-isopropyl-barbituric acid.) |
| | Mebaral..... | (5-ethyl-5-phenyl-1-methyl-barbituric acid.) |
| | Narcounal..... | (5-allyl-5-isopropyl-1-methyl-barbituric acid.) |
| | Neonal..... | (5-ethyl-5-butyl-barbituric acid.) |
| | Nostal..... | (5-isopropyl-5-(2-bromoallyl)-barbituric acid.) |
| | Ortal..... | (5-ethyl-5-hexyl-barbituric acid.) |
| | Pental..... | (5-ethyl-5-cyclopentenyl-barbituric acid.) |
| | Pentobarbital..... | (5-ethyl-5-(1-methylbutyl)-barbituric acid.) |
| | Pentothal..... | (5-ethyl-5-(1-methylbutyl)-2-thio-barbituric acid.) |
| | Pernoston..... | (5-sec-butyl-5-(2-bromoallyl)-barbituric acid.) |
| | Phanodorn..... | (5-ethyl-5-(1-cyclohexenyl)-barbituric acid.) |
| | Phenobarbital..... | (5-ethyl-5-phenyl-barbituric acid.) |
| | Proponal..... | (5,5-dipropyl-barbituric acid.) |
| | Rectidon..... | (5-(2-bromoallyl)-5-(1-methylbutyl)-barbituric acid.) |
| | Rutonal..... | (5-methyl-5-phenyl-barbituric acid.) |
| | Sandoptal..... | (5-allyl-5-isobutyl-barbituric acid.) |
| | Seconal..... | (sodium 5-allyl-5-(1-methylbutyl)-barbiturate.) |
| | Sigmomal..... | (5-amyl-5-(2-bromoallyl)-barbituric acid.) |
| | All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid. | |
| Bromal..... | Bromal Hydrate..... | (tribromoacetaldehyde hydrate.) |
| | Brometone..... | (2-(tribromomethyl)-2-propanol.) |
| | Bromoform..... | (tribromomethane.) |
| Cannabis..... | Extract of Cannabis. | |
| Marihuana..... | Fluidextract of Cannabis. | |
| Carbromal..... | Tincture of Cannabis. | |
| Chloral..... | Acetylcarbromal..... | (α-bromo-α-ethylbutyryl-acetyl-urea.) |
| | Bromural..... | (α-bromoisovaleryl-urea.) |
| | Neuronal..... | (α-bromo-α,α-diethylacetamide.) |
| | Sedormid..... | (α-allylisovaleryl-urea.) |
| | Alpha-Chloralose..... | (α-(β-trichloro-α-hydroxyethyl)-d-glucoside.) |
| | Chloralformamide..... | (N-(β-trichloro-α-hydroxyethyl)-formamide.) |
| | Chloral Hydrate..... | (trichloroacetaldehyde hydrate.) |
| Cocaine..... | Chloralimide..... | (trichloroethylideneimine.) |
| | Chlorobutanol..... | (2-(trichloromethyl)-2-propanol.) |
| | All salts of cocaine obtained by combining cocaine with any acid. | |
| Codeine..... | Diocid..... | (dihydro-codeinone.) |
| | Eucodal..... | (dihydrohydroxy-codeinone.) |
| | Eucodin..... | (codeine methyl bromide.) |
| | All salts of the foregoing chemical derivatives of codeine, and all salts of codeine, obtained by combining any such derivative or codeine with any acid. | |

| Parent substance | Chemical derivative | Chemical description of derivative |
|-------------------------------|--|---|
| Barbituric acid | Propional Rectidon Rutonal Santalol Sedonal Sigmomal All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid. | (5,5-dipropyl)-barbituric acid.) (5-(2-bromoethyl)-5-(1-methylbutyl)-barbituric acid.) (5-methyl-5-phenyl)-barbituric acid.) (5-allyl-5-isobutyl)-barbituric acid.) (sodium 5-allyl-5-(1-methylbutyl)-barbiturate.) (5-amyl-5-(2-bromoethyl)-barbituric acid.) |
| Bromal | Bromal Hydrate. Brometone. Bromoform. Extract of Cannabis. Fluidextract of Cannabis. Tincture of Cannabis. | {(tribromoacetalddehyde hydrate.) {(2-(tribromomethyl)-2-propanol.) {(tribromomethane.) |
| Cannabis Marihuana | Acetylbarbital Bromural Neural Sedonid | (α -bromo- α -ethylbutyl)-acetyl-urea.) (α -bromo- α -diethyl-acetamide.) (α -allyl-isovaleryl-urea.) |
| Chloral | Chloral-Chloralose Chloralformamide Chloral Hydrate Chloralimide Chlorobutanol All salts of cocaine obtained by combining cocaine with any acid. | (α - β -trichloro- α -hydroxyethyl)- β -D-glucoside.) (N-(β -trichloro- α -hydroxyethyl)-formamide.) (trichloroacetalddehyde hydrate.) (trichloroethylideneimine.) (2-(trichloromethyl)-2-propanol.) |
| Cocaine | All salts of cocaine obtained by combining cocaine with any acid. | (dihydro-cocaineone.) (dihydrohydroxy-cocaineone.) (cocaine methyl bromide.) |
| Codine | Dionid Eucodin Eucodin All salts of the foregoing chemical derivatives of cocaine, and all salts of cocaine, obtained by combining any such derivative or cocaine with any acid. | |
| Heroin | All salts of heroin obtained by combining heroin with any acid. | (dihydro-morphinone.) (dihydro-morphine.) |
| Morphine | Dilaudid Ethyimorphine. Paramorphin All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid. | |
| Opium | Extract of Opium. Fluidextract of Opium. Tincture of Opium. Metalehyde. Sulfonethimethane Sulfondietylmethane | |
| Paraldehyde Sulphonmethane | | (2, 2-diethylisulfonyl-butane.) (3, 3-diethylisulfonyl-pentane.) |

with a memorandum or brief in support thereof. The exceptions and brief should be filed with the Hearing Clerk, Office of the Assistant General Counsel, Federal Security Agency, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C. Washington, D. C. November 10, 1941.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 41-8541; Filed, November 14, 1941;
10:56 a. m.]

| Parent substance | Chemical derivative | Chemical description of derivative |
|----------------------|---|---|
| Heroin..... | All salts of heroin obtained by combining heroin with any acid. | |
| Morphine..... | Dilaudid..... Ethylmorphine..... Paramorphin..... All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid. | (dihydro-morphinone.) (dihydro-morphine.) |
| Opium..... | Extract of Opium..... Fluidextract of Opium..... Tincture of Opium..... | |
| Paraldehyde..... | Methylaldehyde..... | |
| Supponine(hane)..... | Supponide..... Supponide(ethylene-hane)..... | (2, 2-diethylsulfonyl-butane.) (3, 3-diethylsulfonyl-pentane.) |

of fact it is hereby found, after investigation, that each of the derivatives specified in finding 9 is habit forming. (See references to the record under finding 10.)

It is, therefore, ordered that the following regulation be and it hereby is promulgated:

§ 145.1 *Habit forming drugs which are chemical derivatives of substances specified in section 502 (d) of The Federal Food, Drug, and Cosmetic Act:* Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

On the basis of the evidence of record at the hearing and the foregoing findings

| Parent substance | Chemical derivative | Chemical description of derivative |
|------------------|---------------------|--|
| Barbituric Acid | Alurate | (5-allyl-5-isopropyl-barbituric acid.) |
| | Amurate | (5-ethyl-5-isopropyl-barbituric acid.) |
| | Barbital | (5-5-diethyl-barbituric acid.) |
| | Butisol | (5-ethyl-5-sec-butyl-barbituric acid.) |
| | Cyclopal | (5-allyl-5-cyclopentyl-barbituric acid.) |
| | Cyclophen | |
| | Delivinal | (5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.) |
| | Dial | (5,5-diallyl-barbituric acid.) |
| | Eldoral | (5-ethyl-5-(1-piperidyl)-barbituric acid.) |
| | Eumaron | (5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.) |
| | Evipal | (1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.) |
| | Ipral | (5-ethyl-5-isopropyl-barbituric acid.) |
| | Mebaral | (5-ethyl-5-phenyl-1-methyl-barbituric acid.) |
| | Narcotumal | (2-allyl-5-isopropyl-1-methyl-barbituric acid.) |
| | Neonal | (2-ethyl-5-buty-barbituric acid.) |
| | Orsital | (5-isopropyl-5-(2-bromoallyl)-barbituric acid.) |
| | Pental | (5-ethyl-5-cyclopentyl-barbituric acid.) |
| | Penobarbital | (5-ethyl-5-(1-methylbutyl)-barbituric acid.) |
| | Penothal | (5-ethyl-5-(1-methylbutyl)-2-thio-barbituric acid.) |
| | Pernoston | (5-sec-butyl-5-(2-bromoallyl)-barbituric acid.) |
| | Phenodorm | (5-ethyl-5-(1-cyclohexenyl)-barbituric acid.) |
| | Phenobarbital | (5-ethyl-5-phenyl-barbituric acid.) |

Any interested person whose appearance has been entered in this hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file exceptions to this proposed order. Exceptions must point out with particularity the alleged errors in the proposed order, and must contain specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-435]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

An application or declaration (or both) pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; and

Such application or declaration (or both) concerning the following:

The United Corporation, a registered holding company, proposes to expend in the aggregate not to exceed \$2,500,000 of cash in bank deposits, totalling \$10,944,979.66, to purchase, through brokers, in the discretion of its board of directors, from time to time over a period of twelve months, shares of its \$3 Cumulative Preference Stock; said purchases are to be made for cash at the market price on a national securities exchange; annual Preference Stock dividend requirements aggregate \$7,466,136, three quarterly dividends in the amount of \$5,599,602 being in arrears; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 2, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in

such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 27, 1941.

It is further ordered, That without limiting the scope of issues presented by said application or declaration (or both) particular attention will be directed, among other things, to:

(1) Whether the proposed purchase program is appropriate in the public interest and in the interest of investors;

(2) Whether the proposed purchase program will circumvent any of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations, or orders thereunder;

(3) In the event the Commission finds the proposed purchase program appropriate, whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors to attach terms and conditions with respect to said purchase program.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8549; Filed, November 14, 1941;
11:47 a. m.]

[File Nos. 70-140 and 70-144]

IN THE MATTERS OF CENTRAL NEW YORK POWER CORPORATION; NIAGARA HUDSON POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Notice is hereby given that amendments to the pending applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than November 21, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such applications, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said applications and the amendments

thereto, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to acquire, 65,662 additional shares of its common stock without par value (stated value \$25 per share) at a price of \$25 per share, to realize proceeds of \$1,641,550. Of said proceeds, the sum of \$741,550 will be used to reimburse the treasury of Central New York Power Corporation for a part of the cost of reacquiring 7,415¹/₂ shares of its Preferred Stock 5% Series, said reacquisition having been required as a legal result of the consolidation forming the company. It is then proposed to apply said amount of \$741,550 toward the payment of a like amount of open account advances owed by the company to Niagara Hudson Power Corporation. The balance of said proceeds, in the sum of \$900,000, is proposed to be used as additional working capital, made necessary by reason of the company's increased business.

Niagara Hudson Power Corporation owns all the presently outstanding 1,265,696 shares of the Common Stock and 41,515¹/₂ shares of the presently outstanding 251,584³/₄ shares of the Preferred Stock 5% Series of Central New York Power Corporation.

Applicants have designated the third sentence of section 6 (b) of said Act and section 10 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8550; Filed, November 14, 1941;
11:47 a. m.]

[File No. 70-432]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY; WISCONSIN ELECTRIC POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than November 28, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that

he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Wisconsin Michigan Power Company, a subsidiary of Wisconsin Electric Power Company, a registered holding company, proposes (a) to issue and sell, at par, to Wisconsin Electric Power Company for cash from time to time during the period ending December 31, 1942, 50,000 additional shares of its common stock having an aggregate par value of \$1,000,000; and (b) to issue and sell to certain purchasing banks, at the principal amount, unsecured promissory notes in the aggregate principal amount of \$1,000,000 to be issued on or about December 15, 1941, bearing interest at the rate of $2\frac{1}{4}\%$ per annum, and maturing in installments of \$200,000 on the anniversary date thereof in each of the years 1944 to 1948, both inclusive. The proceeds from the sale of

the stock and notes will be used to finance the company's construction program.

Wisconsin Electric Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, proposes to acquire for cash, when and as issued and delivered during the period ending December 31, 1942, 50,000 shares of additional common stock having an aggregate par value of \$1,000,000 of its subsidiary, Wisconsin Michigan Power Company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8551; Filed, November 14, 1941;
11:47 a. m.]

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